

ASSEMBLY BILL

No. 1858

Introduced by Assembly Member Alejo
(Principal coauthor: Senator Cannella)

February 22, 2012

An act to amend Section 41329.57 of the Education Code, relating to school finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1858, as introduced, Alejo. School finance: emergency loans: South Monterey County Joint Union High School District.

Existing law requires the Controller to transfer from Section A of the State School Fund the amount of funds necessary to pay certain warrants so that the effective cost of the lease financing provided to the Oakland Unified School District, the Vallejo Unified School District, and the West Contra Costa Unified School District is equal to the cost of the original General Fund emergency loan made to each school district. Existing law also specifies the original interest rate to be used in determining the cost of the original emergency loan made for these school districts.

This bill would also require the Controller to make that transfer with respect to the lease financing provided to the South Monterey County Joint Union High School District. The bill would specify the original interest rate to be used in determining the cost of the original emergency loan for the South Monterey County Joint Union High School District.

This bill would make legislative findings and declarations as to the necessity of a special statute for the South Monterey County Joint Union High School District.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41329.57 of the Education Code is
2 amended to read:
3 41329.57. (a) (1) Pursuant to a schedule provided to the
4 Controller by the bank, the Controller shall transfer from Section
5 A of the State School Fund the amount of funds necessary to pay
6 the warrants issued pursuant to paragraph (2) so that the effective
7 cost of the lease financing provided *pursuant to this article* to the
8 Oakland Unified School District, the Vallejo City Unified School
9 District, ~~and the West Contra Costa Unified School District~~
10 ~~pursuant to this article, and the South Monterey County Joint Union~~
11 *High School District* shall be equal to the cost of the original
12 General Fund emergency loan made to each district.
13 (A) For ~~the~~ purposes of determining the cost of the original
14 emergency loan for the West Contra Costa Unified School District,
15 the original interest rate is the rate established pursuant to Section
16 41474 of 1.532 percent.
17 (B) For ~~the~~ purposes of determining the cost of the original
18 emergency loan for the Oakland Unified School District, the
19 original interest rate is 1.778 percent. This rate shall also apply to
20 any disbursements of the loan pursuant to Chapter 14 of the
21 Statutes of 2003 that are subsequent to August 23, 2004.
22 (C) For ~~the~~ purposes of determining the cost of the original
23 emergency loan for the Vallejo City Unified School District, the
24 original interest rate is 1.5 percent. This rate shall also apply to
25 any disbursements of the loan pursuant to Chapter 53 of the
26 Statutes of 2004 that are subsequent to August 23, 2004.
27 (D) *For purposes of determining the cost of the original*
28 *emergency loan for the South Monterey County Joint Union High*
29 *School District, the original interest rate is 1 percent. This rate*
30 *shall also apply to repayments of the original emergency loan*
31 *pursuant to Chapter 20 of the Statutes of 2009 made on or after*
32 *July 1, 2011.*
33 (2) The executive director or chair of the bank shall periodically
34 provide a schedule to the Controller and each school district of the
35 actual amount of the difference between the cost of the lease

1 financing compared to the cost of the original emergency loan for
2 each *school* district for each year and the Controller shall issue
3 warrants to each school district pursuant to the schedule. Payments
4 to a *school* district shall occur only during the term of the loan for
5 that *school* district and shall be made no sooner than the
6 corresponding payments are made to the bond trustee under the
7 lease financing for that *school* district.

8 (3) For purposes of making the computations required by Section
9 8 of Article XVI of the California Constitution, the warrants issued
10 pursuant to paragraph (2) are “General Fund revenues appropriated
11 ~~to~~ *for* school districts,” as defined in subdivision (c) of Section
12 41202 for the fiscal years in which the warrants are issued and
13 included within the “total allocations to school districts and
14 community college districts from General Fund proceeds of taxes
15 appropriated pursuant to Article XIII B” as defined in subdivision
16 (e) of Section 41202, for the fiscal years in which the warrants are
17 issued.

18 (b) It is the intent of the Legislature that the financing cost
19 subsidies funded in this section not be deemed precedent nor in
20 conflict with Section 41329.53, ~~as these districts requested loans~~
21 ~~prior to the enactment of this article.~~

22 SEC. 2. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique circumstances relating to the
26 fiscal emergency in the South Monterey County Joint Union High
27 School District.